

January 10, 2020

VIA ECF AND EMAIL AT FAILLA NYSDCHAMBERS@NYSD.USCOURTS.GOV

Hon. Katherine Polk Failla
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: *Philadelphia Indemnity Insurance Company v. Streb, Inc.*, No. 1:19-cv-00366
(KFP)

Dear Judge Failla:

Pursuant to Rule 9 of your Honor's Individual Rules of Practice in Civil Cases, Defendant Streb, Inc. ("Streb") hereby requests leave to file redacted versions of its Memorandum of Law in Support of its Motion for Partial Summary Judgment, Statement of Material Facts, and Exhibits 3, 4, and 14 of the Declaration of John H. Kazanjian ("Kazanjian Declaration") submitted in connection therewith. Streb also hereby requests leave to file Exhibit 5 of the Kazanjian Declaration under seal. We make this request pursuant to the requirements set forth in the Agreed Protective Order that was So Ordered on July 17, 2019 (*see* Dkt. No. 25).

This action is an insurance coverage dispute in connection with an underlying personal injury action captioned *Shana Guins v. Streb, Inc.* (N.Y. Sup. Ct. Bronx Co., Index No. 34004/2018E) (the "*Guins* action"). Exhibit 5 consists of emails from a PIIC employee that PIIC has marked "Confidential Information." Similarly, the redacted portions of PIIC's Memorandum of Law, Statement of Material Facts, and Exhibits 3, 4, and 14 of the Kazanjian Declaration include discussion of those emails. This request is being made as required under paragraph 7 of the Agreed Protective Order. The relevant emails were sought in discovery by Streb and produced by PIIC with the understanding that they would be held confidential. In order to prevent any prejudice against PIIC in connection therewith, we request that the Court grant Streb leave to file a redacted version of its Memorandum of Law, Statement of Material Facts, and Exhibits 3, 4, and 14, and to file Exhibit 5 under seal.

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Copies of the unredacted version of the Memorandum of Law, Statement of Material Facts, and Exhibits 3, 4, 5, and 14 are enclosed for your reference. The enclosed versions of PIIC's Memorandum of Law, Statement of Material Facts, and Exhibits 3, 4, and 14 highlight the information that has been redacted.

Respectfully,



John H. Kazanjian

cc (via ECF and e-mail): Michael T. Glascott, Esq.
Adam Ross Durst, Esq.
Jessica L. Kyle, Esq.

Application GRANTED.

Dated: New York, New York
January 13, 2020

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE